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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/815,535

03/21/2001

Geun-Jik Chai

A34140

9696

7590

11/02/2004

BAKER BOTTS L.L.P.

44TH FLOOR

30 ROCKEFELLER PLAZA

NEW YORK, NY 10112-4498

EXAMINER

GREY, CHRISTOPHER

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/815,535	Applicant(s) CHAI ET AL.	
	Examiner Christopher P Grey	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-8 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09815535.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Ex Parte Quayle

The following documents are being requested for resubmission:

1. *Priority*

Acknowledgment is made of applicant's claim for foreign priority based on an application (priority # 2000-14318) filed in Republic of Korea on 3/21/2001. It is noted, however, that the above paperwork is missing from the file. The examiner requests the resubmission of this document.

2. *Information Disclosure Statement*

The information disclosure statement filed 3/21/2001 is missing from the file. The examiner requests for the resubmission of this document.

3. *Oath/Declaration*

The oath or declaration is not enclosed within the received documents. The examiner requests the resubmission of this document.

Allowable Subject Matter

4. The prior art made of record and not relied upon is considered pertinent to the applicants disclosure.

The following is an examiner's statement of reasons for allowance:

The current application is related to a method for increasing a data transmission speed by converting maximum quantity of data into an inter system link protocol (ISLP) frame and transmitting the same in an international standard-95 (IS-95) system.

The closest prior art of record, Rathonyi et al (US 6, 359, 877), discloses a communication system comprising an MSC (mobile switching center) and BSC (base station controller), a method and apparatus designed to minimize overhead by adapting the packet size on transmission based on the transmission rate and/or the throughput.

However the prior art of record fails to disclose a method for increasing data transmission speed in an international standard (IS) –95B system by “generating transmitting an inter system link protocol (ISLP) frame of maximum size to a BSC encompassing the step of determining if the data bytes included in the frame are larger than the bytes needed to generate an ISLP frame (generation is accomplished by converting frame to the ISLP frame) of maximum size, and if so, generating and transmitting the ISLP frame of maximum size to the BSC.” Furthermore, the prior art of record fails to show or suggest “determining if the remaining data bytes included in the frame are larger than the bytes needed to generate the ISLP frame of maximum size, and if the remaining bytes are not, generating and transmitting the ISLP frame to the BSC based on the remaining data bytes and another frame transmitted from the IWF.”

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. This application is in condition for allowance except for the following formal matters:

Missing Oath and Declaration, certified or original copy of Foreign priority and IDS.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.


A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P Grey whose telephone number is (571)272-3160. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571)272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Grey
Examiner
Art Unit 2667

Primary

AFSAR QURESHI
PATENT EXAMINER
10/27/04